

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
APRIL 25, 2011
Commissioners Courtroom
Hamilton County Government and Judicial Center
One Hamilton County Square
Noblesville, Indiana

The Commissioners met in Executive Session in Conference Room 1A at 12:16 p.m. President Altman called the public session to order at 1:03 p.m. declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. Dan Stevens led the Pledge of Allegiance.

MINUTES

Approval of Minutes

Dillinger moved to approve the minutes of April 11, 2011 (9:00 a.m. and 1:00 p.m.) Holt seconded. Motion carried unanimously.

EXECUTIVE SESSION MEMORANDA

Executive Session Memoranda

Dillinger moved to approve the Executive Session Memoranda of April 11, 2011. Holt seconded. Motion carried unanimously.

HIGHWAY BUSINESS

Agreements/Supplements

146th Street/Monon Greenway Non-Reimbursable Utility Agreement with Duke Energy

Mr. Jim Neal stated on March 28, 2011 the Non-Reimbursable Utility Agreement with Duke Energy for 146th Street/Monon Greenway was tabled. Neal requested the agreement be taken off the table. Holt so moved. Dillinger seconded. Motion carried unanimously. Neal requested approval of the agreement with Duke Energy in the estimated amount of \$99,063.14. Mr. Mike Howard stated he has reviewed the facts of the agreement. Duke has agreed to pay utility relocations costs for a project by the Hamilton County Rookery under the theory that it was financially unlikely to reoccur. Duke is also putting the relocated facilities in private easements owned by either Westfield or Carmel, depending on the side of the road, and those entities are dedicating those easements. If there is a subsequent relocation of those facilities it will be compensable. Howard stated after speaking with the highway staff 146th Street could become a six lane highway without touching any of these utilities. These relocations are due not to widening parallel to the road but to get height for the bridge. Altman asked if the statute states that they (Duke) pays if it is a highway project? Howard replied if they are in county right of way and the relocation is necessitated by a road project they pay to move the utilities. Altman responded it was in our right of way. Howard stated the relocation is due to a pedestrian bridge. Holt stated this is a road project, isn't it, we are getting bicycles out off the five lane road. Howard replied that was INDOT's (Indiana Department of Transportation) take on it; this is a road safety issue not unlike a widening issue. Holt asked, we are putting a recreational trail on our right of way to get bicycles off the road and we would have to pay to relocate the utilities? Altman stated that is her concern, what precedent are we setting? Howard stated he thinks it is the height issue of the bridge that drives this. Neal stated when we were designing the stimulus projects in Home Place we were going to put a path all the way to Pennsylvania Street and there were numerous Duke facilities along that route in right of way and due to time being so short we cut that portion out of the project. Altman stated they put their facilities in our right of way after the county acquired the right of way; they are encroaching on our right of way under State statute, this is not right for the taxpayers or the community. Holt asked why would they not raise the wires? Neal stated this is for above ground electrical wires. Neal stated they are dropping down going under county property and moving outside of 146th Street right of way to accommodate the height of the bridge. Neal stated it is the pedestrian bridge that they are taking exception to. Howard stated Duke paid to move their utilities for the Olio Road bridge and they had to be raised substantially. Holt stated he would like to stand our ground. Altman stated we need to proceed but she would like a reservation of rights. Holt stated he would like to find out what the right answer is. Howard asked if the instruction would be to go back to Duke with a Reservation of Rights to seek a Declaratory Judgment? Altman stated if it comes out we are incorrect then we need to go to the State Legislature, the only reason they are in our right of way is because of State statute. Howard asked Neal where are we on funding? Neal replied we moved the letting back from May to August or September 2011. Holt moved to approve with Reservations of Rights. Dillinger seconded. Motion carried unanimously.

Title Sheet

Highway Safety Improvement Program

Neal requested signature of the Title Sheet for Contract -33772, Highway Safety Improvement Program Sign Upgrade. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

JW Wagner Drain Reconstruction Petition

Neal requested the JW Wagner Drain Reconstruction Petition be removed for today's agenda. Holt so moved. Dillinger seconded. Motion carried unanimously.

116th Street/Eller Road Paving

Neal requested acceptance of the ARRA Contract Acceptance for paving on 116th Street near Eller Road. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

Condemnation of Property

Neal requested approval of condemnation of Parcel 2, owned by David and Debra Freedinger, for Small Structure #32022, Armstrong Drain over Mill Creek Road if their negotiations fail. Dillinger moved to approve. Altman seconded. Altman and Dillinger approved. Holt abstained. Motion carried.

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Drainage Board Issues

Holt reported during this morning's Drainage Board two issues were discussed: 1) Anthony Road part of the Taylor Creek System and 2) Salem Road where the Surveyor informed the Board that flooding was due to too small of a structure on Salem Road. Mr. Brad Davis reported he has spoken to the Surveyor and he will be forwarding more information to Davis.

Cargill Salt Bid Renewal for 2011-2012

Davis requested approval and signature on a letter to Cargill Deicing Technology renewing the treated salt agreement for the 2011-2012 season. The terms and pricing remain unchanged with the renewal covering the period from June 1, 2011 through March 31, 2012. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

Transportation Enhancement Application Results

Davis reported Hamilton County was not awarded Transportation Enhancement (TE) funds for the Winter 2011 season. Hamilton County had applied for funding of the design and construction of the Riverwalk Trail, Phase 2A – Conner Street to Logan Street in the amount of \$1,000,000. Davis stated he has been told to resubmit the application this Fall.

Davis has discussed with the Indianapolis Metropolitan Planning Organization (IMPO) the possibility of programming three (3) years of TE projects as opposed to one year at a time, if that had been the case the Riverwalk project would have been selected. They only had \$3.7 million for only one year's allocation. Priority was given to the Monon Trail submitted by Westfield for their construction and construction engineering from 191st Street to 206th Street.

Davis reported the IMPO also mentioned that Hamilton County has to come up with an ADA Transition Plan. Davis stated he is not sure what type of plan that is and the IMPO does not totally understand it at this point. There will be meetings in May to get more information. Davis stated in order to continue to be eligible for federal funding Hamilton County has to have the ADA Transition Plan.

Davis has been discussing the IMPO selection criteria, especially on corridors such as 146th Street; the corridor is approved and we are asked to program that project in phases. They look at each phase as an independent project, they have finally agreed to look at giving more weight to a phase within a corridor in their next selection process. They are going to redo the criteria for project selection.

Altman asked on the project awarded to Carmel, will it pick up the one segment we were not able to get ARRA funding for? Davis replied he is not sure. Altman asked Davis to point out that there is a gapping hole if they want to go from line to line and see if they can work that in there.

Highway Meeting - Cancellation

Davis reported the highway staff does not need to meet with the Commissioners on Friday, April 29, 2011.

Lobbyist Update

Davis reported when they met with Jan Powell, the County's Washington DC Lobbyist, she indicated that for this round of funding authorizations there needs to be placeholders in place in order to be considered for funding, we don't have to have dollar amounts. They have asked Powell to continue to work on 146th Street West, Olio Road corridor on the I-69 Bridge through SR 38 up to SR 32, Riverwalk, Phase 2 and the Monon Trail 216th Street to Sheridan.

COMMISSIONER COMMITTEE REPORTS

Humane Society

Holt reported he briefed the Commissioners during the Drainage Board meeting on the issues at the Humane Society.

Juvenile Services Center Space

Altman reported after their meeting on the Juvenile Services Center (JSC) she has looked into the possibility of using the empty space for a battered women's shelter. Altman has spoken with Joan Isaac of the United Way and asked that she speak with Dan Stevens and the Julian Center to see if the Julian Center had any interest in operating a satellite entity with a possible location at the JSC. Isaac did speak with Ann at the Julian Center, they are interested at looking at the facility and United Way also has capital improvement grants up to \$1 million if we were to retrofit the facility. Altman asked if anyone had an objection of pursuing this either at using the old Juvenile facility or STAR Unit, if it is possible to co-use those facilities. Stevens is still working with the probation department staff and JSC staff to see if it is possible to mix populations or not. Dillinger stated he does not think we should do this until we get the report back on the eight (8) items we asked them to check out. Altman asked what of those items would be converse to this? Dillinger stated why would we pursue this when we may not have that space available? Altman stated she did not recall the eight items taking up that much area. Dillinger stated we don't know if they will or not. Altman stated she does not think it is in conflict. Dillinger stated if we are going to use it for an outside purpose verses some of the things we discussed, it would be a conflict. Altman asked what were we going to use it for in the alternative? Dillinger stated if we lowered the bed rate and brought more people in or we looked at the potential of utilizing that space if the legislation passed on the "D" Felons. Dillinger stated he thought we were not doing anything until we received the report back. Altman stated we are seeing if there is interest for a need in the community, we have not promised anything. Dillinger stated for informational purposes he does not mind but we don't need to make even an assumed commitment until we get everything back. Holt stated it creates an expectation. Stevens reported both spaces have

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potential based on what decisions are made, he does not see the two efforts of research conflicting. Altman reported the Julian Center had 41 requests for assistance from residents of Hamilton County that have been turned down because they are full. Julian Center would not proceed without integrating Prevail for support services. They would also look for an education grant to help fund the center for the children and school buses come in and out of the JSC for transportation for the children. Dillinger stated he does not have a problem with keeping it a potential alternative as long as we are not getting someone's expectations set where we end up not going to. Stevens reported he has made it clear to Ms. Isaac that we have to make sure we can do this before we can commit to them. Altman stated we may not be able to do it for the same reasons we can not house "D" felons. Altman stated this would be cultivating a relationship with the Julian Center as an operator and it would not put the load on us. Dillinger asked is that not one of the things the Family Justice Center is looking at? Altman stated she does not think residential is included. Holt stated he thought they were going to be the clearing house for social services. The shelter in Madison County is getting Hamilton County funding and is how they are staying in operation. Altman asked Stevens to speak with Prevail and find out how the routing for battered women is determined. Holt stated the United Way Distributions Committee has requested funding the Madison County shelter but he does not know if the request comes from that shelter or Prevail.

UNSAFE STRUCTURES

4007 East 226th Street, Cicero

Mr. Chuck Kiphart reported the structure at 4007 East 226th Street, Cicero, has had nothing done to it since the Notice of Order was sent out March 28, 2011. Kiphart recommended obtaining quotes for trash removal, securing the one (1) trailer and sending a letter to the owner letting him know what we are doing and setting a second deadline before we do anything on the property. Altman opened the public hearing.

Ms. Ann Day, next door neighbor, stated there are three (3) trailers on this property; they have been in disrepair for 10 years with numerous problems through the years. There have been broken windows, trash, unsafe conditions of many different types that are ongoing and nobody ever takes care of them. There have been unsafe people there; it has been a very bad ongoing issue. Apparently the owner is absentee most of the time and is not aware of the people that come and go there. Altman asked, to Ms. Day's knowledge, if anyone is renting these facilities? Ms. Day responded to her knowledge at this point they are all vacant. There is somebody that occasionally picks up children from the school bus at that property but there is nobody living in the trailers to her knowledge.

Mr. Kerry Knight, 22510 Gifford Avenue, stated this property backs up to his property, besides what Ms. Day stated he sees rodents running in and out from underneath the trailer, possums and raccoons. There are two (2) exterior storage barns with creatures running underneath those all of the time. He does not understand why the Order is just for the one trailer and not two of them. The trailer in the middle is in just as bad repair as the one pictured. One trailer was habitable but those people moved about one month ago, there has been no one in the other trailer for over a year.

Kiphart stated to the best of his knowledge the front two trailers are secured, there are no broken windows that he knows of. Day reported there are broken windows. Kiphart stated there are broken windows but they are still in place. Mr. Knight reported all of the trailers have broken skirting and rodents. Kiphart replied rodents would be a health department issue and the skirting itself would be a zoning issue. Skirting is not demanded by State law, usually zoning ordinances take care of that. Single wide trailers are required to have skirting around them, it is not a structural part of the building. Altman asked Kiphart if he would be the one sending the notice on a zoning violation? Kiphart replied no, it would be Cicero. Kiphart stated he has spoken to Paul Nunos, (Cicero Planning Director) about this property and he will report this information to him. Kiphart will contact the health department. Altman asked if Kiphart is getting quotes for the items noticed and a secondary quote on the other trailers? Altman asked Kiphart to go check those trailers to make sure they are not opened and not secured and send out a notice on that trailer as soon as we have a figure. Holt asked how many days is being requested to take action or is it today? Kiphart replied today. Holt asked Kiphart what is he asking of the Board today? Kiphart replied that he gets estimates on the removing the trash and the trailer and another estimate on removing the other two trailers and to notify the owner of what our next action would be. Holt asked what is the recommended next action? Kiphart replied to get the estimates. Holt asked Kiphart if he wants to do anything other than get estimates today? Altman asked if he wants an Order to proceed with removal? Kiphart replied yes. Howard asked what are you doing, removal of trash and securing the one trailer or looking at removing the trailer? Kiphart replied securing the trailer. Altman asked Kiphart if this trailer is habitable? Kiphart replied no. Altman stated the costs will all go against the landowner, is there a reasonable expectation that this could be habitable without significant investment? Kiphart replied no. Altman suggested we get rid of the trailer. Howard asked Kiphart if the Order was to secure and remove trash? Kiphart replied it was either to secure, make habitable or remove. We give them three options for buildings. Howard stated the owner has done none of the above. Howard asked if the notice says we can do any of those if the owner does not show up? Kiphart replied yes. Dillinger asked if he (owner) has responded to Kiphart? Kiphart replied no. Dillinger stated take it away. Altman stated yes. Kiphart stated he will get the estimate for removing the trailer. Dillinger moved that we remove the trailer and all trash. Altman asked what about the two sheds? Kiphart replied that they be secured. Holt confirmed that the motion is to proceed with the low estimate? Dillinger agreed. Holt seconded. Motion carried unanimously.

Holt asked how much acreage is involved? Kiphart estimated one-quarter of an acre. Holt stated it is one thing to vote to spend money when we have it but he thinks this is going to end up being the county's money. One-quarter of an acre it is probably not a buildable lot. Kiphart replied in Cicero it is. Holt stated it is not in Cicero, it is on well and septic. Holt asked if one-quarter of an acre is buildable? Kiphart replied yes, it seems plenty big enough. Altman stated Holt is probably correct, we should get estimates on removing the one trailer and a second estimate on removing all three

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trailers if the owner is non-responsive and the trailers are not safe. We will have a sellable lot if we enforce our lien. Howard stated there are a lot of other issues other than lot size, there is probably septic in the middle of the lot, with no room for a second field, don't make this an economic decision, the economics of this will be negligible at best. Holt asked if there is a line item in our budget to pay for this? Kiphart replied yes, there is \$5,000. Holt recommended staying with one trailer, bring it back in two weeks and get an alternate quote for the three trailers. Altman stated we may get fairly good quotes considering the value of the scrap material. Kiphart stated before he can send someone out to the property he will have to bring that back to the Board.

Mr. Paul Munos, Director of the Cicero/Jackson Township Plan Commission, stated he has been receiving an abnormal number of complaints on this property; the condition of the trash around it, the living conditions, those types of things. This issue has been dating back for a least one and a half years. He has received complaints about a dilapidated trailer, no power and no water. There was a 20 year old pregnant mother living in one of the trailers. She has moved to another location and there have been continuous problems for quite a while. Dillinger asked him what his position is on the other two trailers? Munos stated he has not been in the trailer in the front to see what kind of living conditions there are. The two trailers in the back have some electrical issues along with broken windows and broken doors. He does not believe either one of those trailers have direct lines to a septic system for use of sanitary sewer. They are in pretty poor shape. Altman asked if he has sent any zoning violation notices to the owner? Munos replied as far as zoning violations there was only one or two issues which they dealt with previously with the last owner. All the property nuisance is handled through Mr. Kiphart. Altman asked what about the skirting around the trailer? Munos stated some of the skirting on the front trailer has been replaced, nobody has been living there and the owner has told Munos that he was going to remove the structures.

Holt moved to rescind the previous vote. Dillinger seconded. Motion carried unanimously. Holt moved to direct Chuck Kiphart to get an estimate for removal of the pictured trailer with an alternate for removal of all three trailers and the trash and report back at the next meeting. Dillinger seconded. Motion carried unanimously.

20910 SR 19 Unsafe Property

Kiphart reported that the unsafe structure at 20910 SR 19 has been removed, the land graded and all trash has been removed.

16103 SR 238 Unsafe Property

Kiphart reported the unsafe structure at 16103 SR 238 has been removed and returned to a field.

ASSESSOR

Professional Service Agreements - Assessor

Adviso Real Estate Advisors & Appraisers

Ms. Robin Ward requested approval of an agreement with Leo Lichtenberg from Advisio Real Estate Advisors & Appraisers for a professional appraisal of Kohl's Department Store in Noblesville. They have appealed their assessments of 2009 and 2010. They are requesting a reduction in 2009 and even more of a reduction in 2010, estimated to be a \$2 to \$3 million reduction. Kohl's has an appraisal and she does not like their appraisal, they used empty warehouse buildings as comparisons. Ward stated if Kohl's appeals to the State and they have an appraisal and the county does not have an appraisal then Kohl's will win the appeal. Altman asked if she has spoken to the appraiser about a retainer situation with a standardized price? Ward replied no, she does not know what that involves. Ward added he will come to the State to testify and not all appraisers will do that. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

Ratio Study

Ward requested approval to hire Debbie Folkerts to train her to do the Ratio Study; she anticipates she will only need Folkerts for one year to help her with her first study. Holt moved to approve. Dillinger seconded. Howard stated he has reviewed this contract and the form is fine. Motion carried unanimously.

ATTORNEY

Visitor and Convention Commission Bonds

Howard reported that the County Council approved the interlocal agreement with the Hamilton County Visitor and Convention Commission for the issuance of Bonds with COIT (County Option Income Tax) back-up, which reduces costs in the long term. The Bond Ordinance for second reading and appropriation will be before the County Council on May 4th. Funds could be available as early as June 1, 2011.

DIRECTOR OF ADMINISTRATION

Youth Service Awards

Stevens reminded the Commissioners of the Youth Service Awards Ceremony this afternoon at 4:30 p.m..

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Senate Bill 292

Stevens reported Senate Bill No. 292 concerning firearms regulations, has passed both houses. Stevens has spoken with representative from AIC (Association of Indiana Counties) and has been informed that as long as Hamilton County has an operating court we are ok with setting our own firearms regulations. AIC did express concern that some language that was taken out would be put back in the Bill and they will keep everyone informed. Dillinger asked if the courtroom in the historic courthouse is considered a court? Coverdale stated the PTABOA (Property Tax Assessment Board of Appeals) meets in that room. Howard stated that courtroom is available to the courts at any time.

Vacation Schedule

Stevens presented his 2011 vacation schedule to the Commissioners.

Virtual Desktop Demonstration

Stevens reported Chris Mertens has scheduled a demonstration of the Virtual Desktop with the County Council on May 4, 2011 at 6:00 p.m. and he has invited the Commissioners to attend. Altman replied that is the same date as the Hamilton County Memorial Service at 7:00 p.m.

COMMUNITY DEVELOPMENT BLOCK GRANT

Bid Award

Owner Occupied Rehabilitation – 59 East 296th Street, Atlanta

Stevens stated Mark McConaghy has recommended the bid for the owner-occupied rehabilitation at 59 East 296th street, Atlanta be awarded to Genesis Construction and Management as the lowest responsive bidder in the amount of \$18,704. Genesis is not on HUD's Limited Denial of Participation list or on the Excluded Parties list so are eligible to enter into a contract for federal funds. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

Cicero-Washington Street Sidewalks

Stevens stated Mark McConaghy has informed the Commissioners that bids were received for continuation of the Cicero- Washington Street sidewalk project from Prater and Sons Concrete in the amount of 17,065.50 and Tragesser Concrete Forms, Inc. in the amount of \$19,917.00. Bids were reviewed by the Cicero Town Council and their attorney. McConaghy

has recommended the bid be awarded to Prater and Sons Concrete as the lowest responsive bidder in the amount of \$17,065.50. Prater and Sons Concrete are not on HUD's Limited Denial of Participation list or on the Excluded Parties list so are eligible to enter into a contract for federal funds. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

SHERIFF

Traffic Accident

Sheriff Bowen reported that last week a Sheridan ambulance was struck at SR 38 and Six Points Road, the ambulance overturned. The patient being transported is the mother of a jail employee and is not expected to survive. The paramedic was seriously injured and expects a long recovery. A Sheriff's Deputy that was blocking traffic east of the crash was struck by a person not paying attention and totaled the police car and injured the Deputy; he was off work for a few days to recover from his injuries which were not serious.

Promotions

Sheriff Bowen reported Tom Logan was promoted to Lieutenant on the Third shift and Chris Jones was promoted to Sergeant as the replacement for Tom Logan.

AUDITOR

Adams Township EMS/ALS Services MOU

Ms. Dawn Coverdale requested approval of the Memorandum of Understanding (MOU) with Adams Township for funding of their EMS/ALS Services for 2011. Dillinger moved to approve. Holt seconded. Dillinger and Holt approved. Altman abstained. Motion carried.

Clerk's Monthly Report

Coverdale requested approval of the Clerk of the Circuit Court Monthly Report dated March 31, 2011. Dillinger moved to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Drainage Board

Coverdale requested acceptance of Bonds and Letters of Credit for the drainage board. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

- HCDB-2011-00011 – The Ohio Casualty Insurance Company Performance and Payment Bond No. 4-085-951 for the reconstruction of the Clara Gintert Drain in the amount of \$227,015.28.

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Visitor and Convention Commission Interlocal Agreement

Coverdale requested approval on an Interlocal Agreement between Hamilton County, Indiana and the Hamilton County Visitor and Convention Commission Concerning the Issuance of Bonds. Dillinger moved to approve. Altman seconded. Dillinger and Altman approved. Altman disclosed her conflict as previously stated. Holt abstained. Motion carried unanimously.

Vendor Claims

Holt moved to approve Vendor Claims to be paid April 26, 2011. Dillinger seconded. Motion carried unanimously.

Dillinger moved to adjourn the meeting subject to returning for the Youth Service Awards at 4:30 p.m. Holt seconded. Motion carried unanimously.

Commissioner’s Correspondence

- Berline Construction, Inc. Certificate of Insurance
- IDEM Notice of Sanitary Sewer Permit Application
 - Britton Falls Area 2, Section A, Phase 4A – Fishers
- IDEM Notice of Decision
 - Revocation of Administrative Amendment for Duke Energy – Noblesville
- U.S. Army Corps of Engineers Public Notice
 - Toyota Industrial Equipment MFG, Inc. – Columbus, IN

Present

- | | |
|---|--------------------------------|
| Christine Altman, Commissioner | Richard A. Condre, CMT Highway |
| Steven C. Dillinger, Commissioner | Adam Burns, CMT Highway |
| Steven A. Holt, Commissioner | Chuck Kiphart, Plan Commission |
| Dawn Coverdale, Auditor | Robin Ward, Assessor |
| Dan Stevens, Director of Administration | Sage Hales, Leadership Academy |
| Kim Rauch, Administrative Assistant to Auditor | Ann Day, Unsafe Structure |
| Michael Howard, Attorney | Kerry Knight, Unsafe Structure |
| Mark Bowen, Sheriff | |
| Brad Davis, Highway Director | |
| Jim Neal, Highway Engineer | |
| Joel Thurman, Highway Project Engineer | |
| Brandi Wariner, Highway Public Service Representative | |
| Faraz Khan, Highway Staff Engineer | |
| Christopher Burt, Highway Engineering Technician | |
| Tim Knapp, Highway Right-of-Way Manager | |
| Amber Emery, Administrative Assistant to Engineer | |
| Kathy Howard, Highway Department Administrative Manager | |
| Tom Gehlhausen, Sheriff’s Department | |
| Patti Smith, BLN | |
| Becki Wise, USI | |
| Floyd Burroughs, FEBA | |

APPROVED HAMILTON COUNTY BOARD OF
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ATTEST

Dawn Coverdale, Auditor